

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                        |   |                         |
|------------------------|---|-------------------------|
| <b>GENE SHANNON,</b>   | ) |                         |
|                        | ) |                         |
| <b>Petitioner,</b>     | ) |                         |
|                        | ) | <b>8:08CV524</b>        |
| <b>vs.</b>             | ) |                         |
|                        | ) | <b>SCHEDULING ORDER</b> |
| <b>ROBERT HOUSTON,</b> | ) |                         |
|                        | ) |                         |
| <b>Respondent.</b>     | ) |                         |

This matter is before the magistrate judge for pretrial supervision.

On February 2, 2009, Judge Smith Camp conducted a preliminary review of the Petition and entered a scheduling order (Doc. 5) directing the Respondent to either file an answer or a motion for summary judgment. Respondent filed an answer on March 30, 2009, a Designation of State Court Records (Doc. 7) on April 16, 2009, and a supplemental designation (Doc. 9) on April 27, 2009. Respondent's initial brief (Doc. 10) was timely filed on April 27, 2009. Judge Smith Camp's Order required the petitioner to respond to the Respondent's initial brief withing 30 days thereof.

The petitioner did not file a responsive brief on the merits; instead, he filed a motion for Rule 11 sanctions. That motion was resolved against the petitioner on September 14, 2009.<sup>1</sup> The case cannot go forward unless and until the Petitioner files a responsive brief on the merits of his claims, as identified in the February 2, 2009 order and addressed in the Respondent's initial brief.

For these reasons,

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<sup>1</sup>Petitioner's most recent request for reconsideration (Doc. 29) on the issue of Rule 11 sanctions has been referred to Judge Smith Camp.

**IT IS ORDERED:**

1. Petitioner shall file and serve a brief in response to the Respondent's brief (Doc. 10) no later than **October 20, 2009**. The Petitioner may not submit any other documents unless ordered to do so by the Court.

2. No later than **30 days** after the filing of Petitioner's brief, the Respondent must file and serve a reply brief.

3. No discovery may be undertaken without leave of court. See Rule 6 of the Rules governing Section 2254 Cases.

**DATED September 25, 2009.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**